



# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 250

Shillong, Wednesday, August 21, 2019

30<sup>th</sup> Sravana, 1941 (S. E.)

## PART-IIB

### THE HIGH COURT OF MEGHALAYA SHILLONG

#### NOTIFICATION

The 14<sup>th</sup> August, 2019.

**No.HCM.II/430/Pt/2013/102.** - In terms of the resolution adopted in the Full Court Meeting held on 7<sup>th</sup> August, 2019, and in supersession of notification No. HCM.II/430/Pt/2013/224, dated 27<sup>th</sup> January, 2016, the High Court of Meghalaya is pleased to make the following Rules for use, occupation, maintenance and control of the Guest House of High Court of Meghalaya.

1. **Short title and commencement:-** (1) These Rules may be called the “**High Court of Meghalaya Guest House Rules, 2019**” (hereinafter referred to as the “**Rules**”).  
(2) These Rules shall come into force from the **date of publication in the Official Gazette**.
2. **Definitions:-** In these Rules, unless the context otherwise requires:-
  - (a) “**Caretaker**” means such person as may be designated from time to time under the orders of the Chief Justice to take care of the Guest House;
  - (b) “**Chief Justice**” means the Chief Justice of the High Court of Meghalaya;
  - (c) “**Guest House**” means the Guest House of the High Court of Meghalaya situated at 4th Furlong, McCabe Road, Shillong–793001 and at such other places as may be opened by the High Court from time to time;
  - (d) “**High Court**” means the High Court of Meghalaya;
  - (e) “**Judge-in-Charge**” means any Puisne Judge nominated and/or authorized by the Chief Justice to act as incharge of the Guest House and
  - (f) “**Registrar General**” means the Registrar General of the High Court of Meghalaya and in his absence, the Registrar, the Joint Registrar or any other officer authorized to act on his behalf.

- 3. Persons entitled to use and occupation of the Guest House:-** The Guest House shall be available for use to any of the following (*in order of precedence*):
- (1) The Chief Justice of India and Judges of the Supreme Court of India and their spouses and dependents;
  - (2) Chief Justice and Judges of the High Court of Meghalaya and their spouses and dependents;
  - (3) Retired Chief Justice and Judges of the Supreme Court of India / High Court of Meghalaya and/or their families;
  - (4) Chief Justices and Judges of other High Courts having reciprocal arrangement with the High Court of Meghalaya and/or their families;
  - (5) Any other dignitary with specific approval of the Chief Justice/ Judge-in-Charge.
- 4. Reservation, Cancellation and Control of Accommodation:-** (1) Control of accommodation in the Guest House shall rest with the Chief Justice / Judge-in-Charge and persons requiring accommodation shall obtain reservation in advance from the Registrar General.
- (2) More than 2 (two) rooms may be reserved, subject to availability of accommodation, in the Guest House for any of the entitled persons specified in clauses (1) to (3) of Rule 3, if specific request is made for such reservation.
  - (3) The reservation of accommodation for the persons in the same category shall be on 'first come first serve' basis.
  - (4) A room shall not be occupied by more than two adult persons.
  - (5) No person will be allowed to occupy the Guest House for any purpose other than for his or her stay.
- 5. Intimation of occupation and cancellation of reservation:-** (1) No person will be entitled to occupy the Guest House without prior permission of the competent authority.
- (2) Accommodation allotted/ reserved is liable to be cancelled after serving 48 (forty-eights) hours notice, in normal circumstances, or without serving any notice, in exceptional circumstances, for urgent requirement and in either case, without assigning any reason.
  - (3) A person for whom accommodation is reserved must inform the Registrar General atleast 24 (twenty-four) hours before the scheduled time of occupation in case he does not intend to occupy the accommodation reserved for him. In case the reservation is not availed of by him on the first day of such reservation, the reservation made will be cancelled and the allottee shall be liable to pay the charges for the period, the accommodation was kept reserved before cancellation.

- (4) No person, other than the Chief Justice and Judges of the Supreme Court of India / High Court of Meghalaya, shall occupy the Guest House for a period exceeding more than 3 (three) consecutive days without special permission of the Chief Justice / Judge-in-Charge.
- (5) Notwithstanding anything contained herein, VIP Suite No. 303 shall be at all times kept reserved and allotted under strict order(s) of the Chief Justice.
- 6. Charges for occupation/ Miscellaneous Charges:-** (1) The charges for occupation and use of the Guest House shall be as prescribed in Schedule – I of these Rules. For temporary occupation for 6 (six) hours or less, the charges shall be 50% of the rental charges mentioned in Schedule–I of these Rules.
- (2) The occupant shall make actual payment for the telephone calls made by him before leaving the Guest House.
- (3) Only vegetarian food will be cooked in the Guest House. Meals/ snacks may be supplied by the Caretaker/ attendant on prior payment of actual cost of the meal / snacks.
- (4) The occupant shall pay the above charges to the Caretaker as per the prescribed rates against proper receipt and the same will be deposited under proper head of account of the High Court.
- 7. Occupancy Register:-** (1) An Occupancy Register shall be maintained, in the Guest House in the prescribed form as per Schedule–II of these Rules, by the Caretaker and the same shall be produced to the guest immediately on arrival. The date and time of departure shall be entered at the time of departure.
- (2) Every room of the Guest House shall remain locked and keys shall remain with the Caretaker and keys be given to the occupant and whenever he goes out of the Guest House, the key shall be left in the custody of the Caretaker / attendant.
- (3) The Caretaker shall display a list of occupants of the Guest House on the notice board and update it every morning.
- 8. Loss and Damage of any article:-** (1) An occupant shall ensure proper use of furniture, crockery, linen, appliances and other articles kept inside the room.
- (2) In case of loss, damage or breakage of any article attributable to the occupant, the Caretaker shall recover the actual value from him against proper receipt and the same will be deposited under proper head of account of the High Court.
- 9. Power to Relax:-** The Chief Justice may, by order, dispense with or relax the requirement of any Rule to such extent and subject to such conditions as may be considered necessary in any particular case considering the exigencies of the circumstances.
- 10. Checking of Occupancy Register:-** The Occupancy Register shall be put up once in a month before the Registrar General for his perusal and necessary action, if any.
- 11. Interpretation:-** If any question arises as to the interpretation of these Rules, the Chief Justice shall decide the same.
- 12. Amendment and Repeal:-** (1) The Chief Justice may amend these Rules from time to time.
- (2) The High Court of Meghalaya (Guest House) Rules, 2016 as notified on 27<sup>th</sup> January, 2016 stands repealed.

REGISTRAR GENERAL,  
High Court of Meghalaya,  
Shillong.

**SCHEDULE – I***(See Rule 6 (1))*

Sl. No.	DIGNITARIES	Tariff
		Rate / day
1.	Chief Justice and Judges of the Supreme Court of India and/or their families/ guests	₹ 300/-
2.	Chief Justice and Judges of the High Court of Meghalaya and/or their families/ guests	₹ 300/-
3.	Retired Chief Justice and Judges of the Supreme Court of India/ High Court of Meghalaya and/or their families	₹ 300/-
4.	Chief Justices and Judges of other High Courts having reciprocal arrangement with the High Court of Meghalaya and/or their families	₹ 300/-
5.	Any other dignitary with specific approval of the Chief Justice/Judge-in-Charge.	₹ 300/-

**SCHEDULE-II***(See Rule 7)***OCCUPANCY REGISTER**

Sl. No.	Room No.	Name and designation of Guest / Official (Full postal address and contact No. in respect of others)	Purpose	Date & Time of Check-in	Date & Time of Check-out	Rate	Amount Paid	Guest's Signature	Signature of Receptient	Remarks
1	2	3	4	5	6	7	8	9	10	11



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## PART-IIB

### THE HIGH COURT OF MEGHALAYA SHILLONG

#### NOTIFICATION

The 14<sup>th</sup> August, 2019.

#### THE HIGH COURT OF MEGHALAYA OFFICERS AND STAFF (RECRUITMENT AND CONDITIONS OF SERVICE) RULES, 2019

**No.HCM.II/105/2013/159.** - In exercise of the powers conferred by clause (2) of Article 229 of the Constitution of India, and in supersession of the High Court of Meghalaya (Recruitment and Conditions of Service of Officers and Staff) Rules, 2013 (as amended from time to time), the Chief Justice of the High Court of Meghalaya makes the following rules with respect to the conditions of service of persons serving in the establishment of the High Court of Meghalaya.

#### PART I – GENERAL

**1. Short title and commencement:**

- (1) These Rules may be called the “**High Court of Meghalaya Officers and Staff (Recruitment and Conditions of Service) Rules, 2019**” (hereinafter referred to as the “**Rules**”).
- (2) They shall apply to all officers and staff within the Establishment of the High Court of Meghalaya.
- (3) They shall come into force immediately.

**2. Definitions:** In these Rules, unless the context otherwise requires:

- (a) ‘**Appendix**’ means the Appendix appended to these Rules;
- (b) ‘**Appointing Authority**’ means the Chief Justice of the High Court of Meghalaya or such other Judge or Officer as he may, in writing, direct;

- (c) **'Charged Employee'** means a Member of the Establishment against whom a disciplinary proceeding and/or penalty is contemplated to be imposed/ has already been imposed in terms of Part III of these Rules;
- (d) **'Chief Justice'** means the Chief Justice of the High Court of Meghalaya;
- (e) **'Constitution'** means the Constitution of India;
- (f) **'Court'** means the High Court of Meghalaya;
- (g) **'Deputation'** means either the temporary loan by an outside authority of the services of one of its employees to the Court or the temporary loan by the Court of the services of one of its employees to the outside authority;
  - (i) An outside authority lending the services of one of its employees to the Court is called the **'Lending Authority'**.
  - (ii) An outside authority borrowing the services of an employee of the Court is called the **'Borrowing Authority'**.
- (h) **'Disciplinary Authority'** in relation to the imposition of a penalty on a Member of the Establishment means the authority competent under these Rules to impose on him that penalty;
- (i) **'Establishment'** and **'Establishment of the High Court'** includes all departments, sections, branches and other ancillary cells, units and wings of the High Court of Meghalaya;
- (j) **'Governor'** means the Governor of the State of Meghalaya;
- (k) **'Judicial Officer'** means a Judicial Officer holding a substantive post under the Meghalaya Higher Judicial Service Rules, 2015 or Meghalaya Judicial Service Rules, 2006;
- (l) **'Member of the Establishment'** means a person appointed in accordance with these Rules or of rules or orders in force prior to the commencement of these Rules;
- (m) **'Registrar General'** means the Registrar General of the High Court of Meghalaya or any other officer as may have been specifically assigned by the Chief Justice to perform the duties of the Registrar General under these Rules;
- (n) **'Schedule'** means the Schedule appended to these Rules;
- (o) **'State Government'** and **'State'** means the Government of Meghalaya; and
- (p) **'Union'** means the Union of India.

3. **Construction:** (1) In these Rules, unless the contrary intention appears, a reference to:

- a) an amendment includes a supplement or replacement (however fundamental) and amended will be construed accordingly;
- b) a month or months is a reference to a period starting on one day in a calendar month and ending on the numerically corresponding day in the next calendar month or the calendar month in which it is to end;
- c) the singular includes the plural (and vice versa); and
- d) a gender shall include references to the female and male gender.

(2) The headings in these Rules do not affect its interpretation.

**PART II – STRENGTH, APPOINTMENT AND CONDITIONS OF SERVICE****4. High Court Establishment:**

- (1) The establishment of the High Court shall consist of the posts shown in the Schedule which may be amended by the Chief Justice from time to time.
- (2) The Chief Justice may from time to time create additional number of posts in any class or category with approval of the State Government.
- (3) The Chief Justice may leave unfilled or may hold in abeyance any vacant post without thereby entitling any person to compensation.

**5. Appointing Authority:** If the appointing authority is other than the Chief Justice, the exercise of his power shall always be subject to any general or special order of the Chief Justice.**6. Classification of Services and Post:** The services and posts in the Court shall be classified as follows: -

- (i) Class – I Gazetted
- (ii) Class – II Gazetted
- (iii) Class – III Non-Gazetted
- (iv) Class – IV Non-Gazetted

**7. Appointment of persons in the establishment of the High Court:** (1) Except for appointment on officiating, temporary or ad-hoc basis, the mode of and qualifications for appointment to the post specified in the Schedule shall be as stated therein.

(2) Notwithstanding anything contained hereinabove, recruitment to a post or a class of posts may be made by one or more of the following methods, namely:

- (i) by promotion of a person already employed in the Court;

Explanation: Subject to the requirement of efficiency, promotion shall ordinarily be made according to Merit-cum-Seniority. An employee may receive special promotion for recognised merit irrespective of the class/ grade to which he may belong or of his seniority within his class/ grade. The zone of eligibility for promotion as drawn up by the Appointing Authority shall be 5 (five) times of the number of vacancies to be filled in on the basis of Merit-cum-Seniority or Merit, as the case may be:

Provided that in case of non availability of sufficient number of suitable persons for selection on the basis of merit, the Appointing Authority may at its discretion consider persons of outstanding merit outside the zone of eligibility.

(a) In case a person, on his appointment by promotion to the next higher post either on the basis of urgent temporary appointment or on regular basis, foregoes such an appointment, he shall be considered again for appointment by promotion only after a period of 2 (two) years (subject to available vacancy).

(b) No person shall be allowed promotion to any post unless the Appointing Authority is satisfied that he is a person of integrity and impartiality.

- (ii) by transfer or deputation of a person serving outside the Court in connection with the affairs of the Union/ State or from amongst Judicial Officers;

- (iii) by direct recruitment.
- (3) A candidate for appointment must, in any case, satisfy, apart from other qualifications, the following conditions –
  - a. that he is of sound health, and
  - b. that his character and antecedents are such as to qualify him for his service.
- 8. **Eligibility:** No person shall be appointed unless he is a citizen of India as defined in Articles 5 and 6 of the Constitution.
- 9. **Age:** (1) A candidate for direct recruitment must not be more than 27 (twenty seven) years of age in case of General category and 32 (thirty two) years of age in case of Scheduled Castes/ Scheduled Tribe at the time of his/her application. Provided that:
  - (i) No application shall be entertained from a person whose age is less than 18 (eighteen) years.
  - (ii) there shall be no restriction as to age for candidate already serving in connection with the affairs of the Union/ State Government in a substantive or in a temporary capacity, having been so appointed prior to his attaining the age of 33 (thirty three) years.
- (2) Relaxation of 5 (five) years in upper age limit shall be admissible to candidates belonging to the ex-servicemen.
- (3) Notwithstanding anything contained hereinabove, the upper age limit of a candidate for direct recruitment to the posts of Assistant Protocol Officer, Court Officer, Estate Officer, System Officer may be relaxed by the Chief Justice.
- 10. **Reservation:** Reservation in direct recruitment for various categories and classes of post in the Establishment with respect to Scheduled Castes and Scheduled Tribes shall be in accordance with the prevailing policies of the State.
- 11. **Canvassing:** No recommendation, either written or oral, will be taken into consideration. Any attempt on the part of a candidate/ Member of the Establishment for direct recruitment/ promotion (as the case may be) to enlist support directly or indirectly for his candidature by other means will disqualify him for appointment/ promotion.
- 12. **Physical Fitness:** (1) A candidate for direct recruitment to any post must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of his duties and if selected, must produce a certificate to that effect from a medical authority notified by the Appointing Authority for the purpose.
- (2) The Appointing Authority may dispense with production of such certificate in the case of a candidate promoted in the regular line of promotion, or who is already serving in connection with the affairs of the State if he has already been medically examined for the previous appointment and the essential standards of medical examination of the 2 (two) posts held by him are to be comparable for efficient performance of duties of the new post and his age has not reduced his efficiency for the purpose.

- 13. Determination of Vacancies:** (1) (a) Subject to the provisions of these Rules, the Appointing Authority shall determine on the first day of April every year, the actual number of vacancies occurring during the financial year.
- (b) Where a post is to be filled in by a single method as prescribed in the Schedule, the vacancies so determined shall be filled in by that method.
- (c) Where a post is to be filled in by more than one method as prescribed in the Schedule, the apportionment of vacancies, determined under sub-sub rule (a) of sub-rule (1) above, to each such method shall be done maintaining the prescribed proportion for the overall number of posts already filled in. If any fraction of vacancies is left over, after apportionment of the vacancies in the manner prescribed above, the same shall be apportioned to the quota of various methods prescribed in a continuous cyclic order giving precedence to the promotion quota.
- (2) The Appointing Authority shall also determine the vacancies of earlier years, year wise which were required to be filled in by promotion, if such vacancies were not determined and filled earlier in the year in which they were required to be filled in.
- 14. Examination Fees:** (1) A candidate for direct recruitment shall pay examination fees of ₹ 400/- (four hundred rupees only) in the form of Demand Draft payable to “**Registrar General, High Court of Meghalaya**”. In case of Scheduled Caste/Scheduled Tribe, examination fees of ₹ 200/- (two hundred rupees only) shall be charged.
- (2) No claim for the refund of the examination fees shall be entertained nor the fees shall be held in reserved for any other examination.
- 15. Pay and Allowances:** The scales of pay admissible to persons appointed to the various categories of posts in the Establishment, whether in a substantive or officiating capacity or as a temporary measure, shall be such as may be determined by the Chief Justice from time to time with approval of the Governor.
- 16. Leave, Pension, etc.:** Except as provided in these Rules, pay allowances, pension, leave and other conditions of service of the Members of the Establishment, whether in a substantive or officiating capacity or as a temporary measure, shall be regulated by the rules and orders in force in the State as may be determined by the Chief Justice.
- 17. Increment:** (1) The first increment admissible to a Member of the Establishment shall accrue on completion of one year from the date of his joining the post but subsequent increment shall be allowed only on his completion of the period of probation successfully.
- (2) The increment admissible to a Member of the Establishment promoted from one post to another shall accrue on the expiry of such year as admissible under the rules.
- 18. Age of superannuation and extension in service:** Except as otherwise provided in this Rule, every employee in the Establishment shall retire from service in the afternoon of the last day of the month in which he attains the age of 58 (fifty eight) years.
- Provided firstly that an employee in the Establishment whose date of birth is the first day of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of 58 (fifty eight) years.
- Provided secondly that if, keeping in view the service rendered, experience and utility of any employee in the Establishment of the Court or any other retired person employed outside the Court, his extension in service if found to be in public interest, be re-employed for a term not exceeding 6 (six) months at a time, but in no case beyond 2 (two) years, and for reasons to be recorded in writing.

- 19. Seniority:** (1) The seniority of an employee of the Court, other than persons on deputation, shall be determined by the date of his/her first appointment in service, cadre, class or category in which he/she is appointed.

Explanation: The words “**date of first appointment**” as occurring in this Rule means the date of first substantive appointment meaning thereby the date of first appointment on probation or otherwise, but on a clear vacancy, confirmation being subject to good work and conduct.

(2) Inter se seniority of two or more persons appointed on the same post in a class or category of the Establishment simultaneously will, notwithstanding the fact that they may join or assume duty of their appointment on different dates, shall be determined:

(i) in the case of those recruited directly, according to the position attained by and assigned to them in order of merit, and

(ii) in any class or category of posts which provides for appointment, both by promotion as well as by direct recruitment, the promotees shall rank senior to direct recruits and inter se seniority of appointees in both groups would be subject to (i) above.

(3) For the purpose of determination of seniority in the matter of promotion by Merit-cum-Seniority, if two or more persons belong to different cadres, their inter se seniority shall be determined as under:

(a) a person who is in a higher scale of pay shall rank higher to the person belonging to a lower scale of pay;

(b) if two persons are in the same scale of pay and grade, then the person appointed earlier in the same scale of pay and grade shall rank higher to the persons appointed later in the same scale of pay and grade.

(c) if the scale of pay is same, but grade pay is different, then the person having higher grade pay shall rank higher to a person having lower grade pay.

- 20. Probation:** (1) A person on initial appointment to a post in the Establishment in substantive capacity shall be placed on probation for a period of 1 (one) year.

(2) The Appointing Authority may allow continuous service rendered in an officiating capacity or as a temporary measure on the post, or on a higher post, to be taken into account for the purpose of computing the period of probation.

(3) The Appointing Authority may, for reasons to be recorded in writing, extend the period of probation in individual cases specifying the date up to which the extension is granted. Provided that in no case the period of probation will be extended beyond 3 (three) years.

(4) If it appears to the Appointing Authority at any time during or at the end of the period of probation or extended period of probation, as the case may be, that a probationer has not made sufficient use of his opportunities or has otherwise failed to give satisfaction, he may be reverted to his substantive post, if any or if he does not hold a lien on any post, his services may be dispensed with.

(5) A person whose services are dispensed with under sub-rule (4) shall not be entitled to any compensation.

(6) No appeal shall lie against an order discharging a probationer.

- 21. Confirmation:** A Member of the Establishment shall be confirmed, under orders of the Chief Justice, in his appointment at the end of his period of probation or extended period of probation, as the case may be, with effect from a date not earlier than the date on which he completes the period of probation, if:
- (a) his work and conduct during the probationary period have been found to be satisfactory;
  - (b) he is considered fit for confirmation, and
  - (c) his integrity is certified.
- 22. Deputation:** The Chief Justice may, in any appropriate case, permit a Member of the Establishment to go on deputation outside the Court for such period, as he considers appropriate.
- 23. Conditions of service:** (1) Subject to the foregoing provisions in these Rules, in respect of all such matters regarding the conditions of service of Members of the Establishment for which no provision or insufficient provision has been made in these Rules, the rules and orders for the time being in force and applicable to State Government employees shall regulate the conditions of service of the Members of the Establishment subject to such modifications, variations or exception, if any, in the said rules, as the Chief Justice may, from time to time, specify.
- Provided that Judicial Officers on transfer/ deputation to the Court shall be governed by the service rules applicable to them.
- (2) If any doubt arises in regard to a particular post in the Establishment being corresponding to a post in the State, the matter will be decided by the Chief Justice.
- 24. Character Rolls:** (1) Except for persons appointed on officiating, temporary or ad-hoc basis, a character roll shall be maintained for every Member of the Establishment. Entries shall be made therein annually by the following persons shown as under:

Class of Posts	Reporting Authority	Reviewing Authority	Accepting Authority
Class-I & Judicial Officers / other Officers on deputation	-	-	Chief Justice
Private Secretaries / Court Masters attached to Hon'ble the Chief Justice / Judges	-	-	Chief Justice / Judge concerned.
Class-II	Registrar	Registrar General	Chief Justice
Class-III	Joint Registrar	Registrar	Registrar General
Class-IV	Deputy Registrar	Joint Registrar	Registrar

(2) Notwithstanding anything contained hereinabove, remarks if any of the Chief Justice will also be incorporated in the character rolls of any Member of the Establishment if the Chief Justice is not shown as the accepting authority.

**PART III – CONTROL AND DISCIPLINE**

25. **Control:** A Member of the Establishment shall be subject to the superintendence of the Chief Justice.
26. **Punishment:** The following penalties may, for good and sufficient reasons, be imposed by the Appointing Authority upon a Charged Employee:
- (i) censure;
  - (ii) fine;
  - (iii) withholding of increment or promotion;
  - (iv) recovery from pay of the whole or part of any pecuniary loss caused to the Court / State Government by negligence or breach of orders;
  - (v) reduction in rank including reduction to a lower post or time scale or to a lower stage in the time scale;
  - (vi) compulsory retirement on proportionate pension;
  - (vii) removal from service which shall not be a disqualification for future employment;
  - (viii) dismissal from service which shall ordinarily be disqualification for future employment.

Explanation - The following shall not amount to penalty within the meaning of this Rule:

- (i) Non-promotion whether in a substantive or officiating capacity, after consideration of his case, to a higher grade or post of which he is eligible;
- (ii) Reversion to a lower grade or post of a person officiating in a higher grade or post on the ground that he is considered after trial, to be unsuitable for such higher grade or post on administrative grounds unconnected with his conduct;
- (iii) Reversion to his permanent grade or post of a person appointed on probation during or at the end of the period of probation;
- (iv) Compulsory retirement in accordance with the provisions relating to his superannuation or retirement;
- (v) Termination of the service (a) of a person appointed on probation during or at the end of the period of probation, (b) of a temporary person appointed otherwise than under contract on the expiration of the period of appointment, (c) of a person employed under an agreement in accordance with the terms of such agreement.

The discharge (a) of a person appointed on probation during or at the end of the probation, or before his confirmation in a substantive capacity in accordance with the terms of his appointment; (b) of a person appointed otherwise and contract to hold a temporary appointment on the expiration of the period of appointment; and (c) of a person engaged on contract, in accordance with the terms of his contract, shall not be treated as punishment nor shall it be treated as removal or dismissal within the meaning of this Rule.

27. **Procedure for imposing major penalties:** (1) No order imposing on a Charged Employee any of the penalties in sub-rule (v) to (viii) of Rule 26 shall be passed except after an inquiry, held as far as may be, in the manner hereinafter provided.
- (2) The Disciplinary Authority shall frame definite charges on the basis of the allegations on which the inquiry is proposed to be held. Such charges, together with a statement of the allegations on which they are based, shall be communicated in writing to the Charged Employee, and shall be required to submit, within such time as may be specified by the Disciplinary Authority, a written statement of his defence and also to state whether he desires to be heard in person.

(3) The Charged Employee shall, for the purpose of preparing his defence, be permitted to inspect and take extracts from such official records as he may specify, provided that such permission may be refused if, for reasons to be recorded in writing, in the opinion of the Disciplinary Authority such records are not relevant for the purpose or it is against the public interest to allow him access thereto.

(4) On receipt of the written statement of defence, or if no such statement is received within the time specified, the Disciplinary Authority may itself inquire into such of the charges as are not admitted or, if it considers necessary to do so, appoint a Board of Inquiry or an Inquiring Officer for the purpose.

(5) The Disciplinary Authority may nominate any person to present the case in support of the charges before the authority inquiring into the charges (hereinafter referred to as the '*Inquiring Authority*'). The Charged Employee may present his case with the assistance of any other Member of the Establishment approved by the Disciplinary Authority, but may not engage a legal practitioner for the purpose unless the person nominated by the Disciplinary Authority as aforesaid is a legal practitioner or unless the Disciplinary Authority, having regard to the circumstances of the case, so permits.

(6) The Disciplinary Authority where it is itself the Inquiring Authority or the Inquiring Authority where one is appointed shall, in the course of the inquiry, consider such documentary evidence and take such oral evidence as may be relevant or material in regard to the charges. The Charged Employee shall be entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The person presenting the case in support of the charges shall be entitled to cross-examine the Charged Employee and the witnesses examined in his defence. If the Inquiring Authority declines to examine any witness on the ground that his evidence is not relevant or material, it shall record its reasons in writing.

(7) At the conclusion of the inquiry, the Disciplinary Authority where it is itself the Inquiring Authority or the Inquiring Authority where one is appointed shall prepare a report of the inquiry, recording its findings on each of the charges together with reasons therefor. If in the opinion of such authority the proceedings of the inquiry establish charges different from those originally framed it may record findings on such charges provided that findings on such charges shall not be recorded unless the Charged Employee has admitted the facts constituting them or has had an opportunity of defending himself against them.

(8) The record of the inquiry shall include: -

- (i) the charges framed against the Charged Employee and the statement of allegations furnished to him under sub-rule (2) above;
- (ii) his written statement of defence, if any;
- (iii) the oral evidence taken in the course of the inquiry;
- (iv) the documentary evidence considered in the course of the inquiry;
- (v) the orders, if any, made by the Disciplinary Authority and the Inquiring Authority in regard to the inquiry; and
- (vi) a report setting out the findings on each charge and the reasons therefor.

(9) The Disciplinary Authority shall, if it is not the Inquiring Authority, consider the record of the inquiry and record its findings on each charge.

(10) (i) If the Disciplinary Authority, having regard to its findings on the charges is of the opinion that any of the penalties specified in sub-rule (v) to (viii) of Rule 26 should be imposed, it shall:

(a) furnish to the Charged Employee a copy of the report of Inquiring Authority and, where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority; and

(b) give him a notice in writing stating the action proposed to be taken in regard to him and calling upon him to submit within a specified time such representation as he may wish to make against the proposed action.

(ii) The Disciplinary Authority shall consider the representation, if any, made by the Charged Employee in response to the notice under sub-sub-rule (i) of sub-rule (10) above and determine what penalty, if any, should be imposed on the Charged Employee and pass appropriate orders on the case.

(11) In a case where one of the penalties specified in sub-rule (v) to (viii) of Rule 26 is imposed on a Charged Employee on the ground of conduct which has led to his conviction on a criminal charge or where the Disciplinary Authority is satisfied that for some reason to be recorded by that authority in writing it is not practicable to give to the Charged Employee an opportunity of showing cause before imposing any of the aforementioned penalties, it shall be lawful for the Disciplinary Authority to waive the requirements of any of the provisions of this Rule.

(12) Orders passed by the Disciplinary Authority shall be communicated to the Charged Employee who shall also be supplied with a copy of the report of the Inquiring Authority and where the Disciplinary Authority is not the Inquiring Authority, a statement of its findings together with brief reasons for disagreement, if any, with the findings of the Inquiring Authority, unless they have already been supplied to him.

**28. Procedure for imposing minor penalties:** (1) No order imposing any of the penalties specified in sub-rule (i) to (v) of Rule 26 shall be passed except after –

(a) Charged Employee is informed in writing of the proposal to take action against him and of the allegations on which it is proposed to be taken and given an opportunity to make any representation he may wish to make; and

(b) such representation, if any, is taken into consideration by the Disciplinary Authority.

(2) Notwithstanding anything contained in sub-rule (1) above, if after considering the representation, if any, made by him under sub-rule (b) of that sub-rule, it is proposed to withhold increments of pay for a period exceeding 3 (three) years or with cumulative effect for any period, or to such an extent as is likely to affect adversely the amount of pension payable to him, an inquiry shall be held in the manner laid down in sub-rules (2) to (12) of Rule 27, before the penalty is imposed.

(3) The record of proceedings in such cases shall include –

(i) a copy of the intimation to the Charged Employee of the proposal to take action against him;

(ii) a copy of the statement of allegations communicated to him;

(iii) his representation, if any; and

(iv) the orders on the case together with the reasons therefor.

**29. Suspension:** (1) The Disciplinary Authority may place a Member of the Establishment under suspension:

(a) where a disciplinary proceeding against him is contemplated or is pending; or

(b) where, in the opinion of the authority aforesaid he has engaged himself in activities prejudicial to the interest of the security of the State; or

(c) where a case against him in respect of any criminal charge is under investigation or trial:

Provided that:

(i) in the case of a Member of the Establishment on deputation outside the Court, the Borrowing Authority shall be requested to place him under suspension, pending the conclusion of the inquiry and the passing of the final order in the case; and

(ii) in the case of a person on deputation to the Court, the Registrar General shall without delay inform the Lending Authority of the circumstances, in which that person has been placed under suspension.

(2) A Member of the Establishment who is detained in custody, whether on a criminal charge or otherwise, for a period exceeding 48 (forty eight) hours shall be deemed to have been suspended with effect from the date of detention, by an order of the Chief Justice and shall remain under suspension until further orders.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Member of the Establishment under suspension is set aside in appeal under these Rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) An order of suspension made or deemed to have been made under this Rule may at any time be revoked by the authority which made the order or by any authority to which that authority is subordinate.

- 30. Disciplinary action against a Member of the Establishment on deputation to an outside authority:** (1) Where the services of a Member of the Establishment are borrowed by an outside authority, the Borrowing Authority shall have the powers of the Disciplinary Authority under these Rules for the purpose of placing him under suspension and for the purpose of taking disciplinary proceedings against him:

Provided that the Borrowing Authority shall forthwith inform the Court of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against such Member of the Establishment:

(a) if the Borrowing Authority is of the opinion that any of the penalties specified in sub-rules (i) to (iii) of Rule 26 should be imposed on such Member of the Establishment, it may in consultation with the Court pass such orders on the case as it deems necessary:

Provided that, in the event of difference of opinion between the Borrowing Authority and the Court, the services of such Member of the Establishment shall be replaced at the disposal of the Court.

(b) if the Borrowing Authority is of the opinion that any of the penalties specified in sub-rules (iv) to (viii) of Rule 26 should be imposed on such Member of the Establishment, it shall replace his services at the disposal of the Court and transmit to it the proceedings of the inquiry and thereupon the Disciplinary Authority may pass such orders on the case as it deems necessary after complying with the provisions of sub-rules (9) and (10) of Rule 27:

Provided that the Disciplinary Authority may instead of making an order under this sub-rule on the record of the inquiry transmitted by the Borrowing Authority, hold such further inquiry as it may deem necessary.

- 31. Disciplinary action against a person on deputation to the Court from an outside authority:** (1) Where an order of suspension is made or a disciplinary proceeding is taken by the Court against a person whose services have been lent to the Court by an outside authority, the Lending Authority shall forthwith be informed of the circumstances leading to the order of his suspension or the commencement of the disciplinary proceedings against him, as the case may be.

(2) In the light of the findings in the disciplinary proceedings taken against such person:

(a) if the Disciplinary Authority is of the opinion that any of the penalties specified in sub-rules (i) to (iii) of Rule 26 should be imposed on such person, it may in consultation with the Lending Authority pass such orders on the case as it deems necessary:

Provided that, in the event of difference of opinion between the Court and the Lending Authority, the services of such person shall be replaced at the disposal of the Lending Authority;

(b) if the Disciplinary Authority is of the opinion that any of the penalties specified in sub-rules (iv) to (viii) of Rule 26 should be imposed on such person, the services of such person shall be replaced at the disposal of the Lending Authority and the record of the inquiry shall be transmitted to such authority for such action as it deems necessary.

- 32. Appeals against orders imposing penalties:** (1) An appeal shall lie to the Chief Justice from an order passed by the Registrar General imposing any penalty specified in Rule 26.

(2) The order of the Chief Justice passed in this regard shall be final and shall not be questioned in any court.

- 33. Appeal against other orders:** A Member of the Establishment may appeal to the Chief Justice against the following orders passed against him by the Registrar General:

(a) an order stopping him at the efficiency bar in the time scale on the ground of his unfitness to cross the bar; and

(b) an order interpreting to his disadvantage any rule by which his conditions of service are regulated.

- 34. Period of limitation for appeals:** An appeal under this Part shall be filed within 30 (thirty) days from the date of the order appealed against. Provided that the Chief Justice, if satisfied, that the appellant had sufficient cause for not submitting the appeal in time, entertain the appeal after expiry of the said period.

- 35. Submission of appeals:** (1) Every appeal preferred under this Part shall contain all material statements and arguments relied upon by the appellant including the grounds upon which the appeal is founded, shall contain no disrespectful or improper language and shall be complete in itself.

(2) Every such appeal shall be addressed to the Chief Justice and shall be submitted to the Registrar General.

- 36. Withholding of appeals:** (1) An appeal may be withheld by an authority not lower than the authority from whose order it is preferred if:

- (i) it does not comply with the provisions of these Rules, or
- (ii) it is a repetition of a previous appeal and is made to the same authority by which such appeal has been decided, and no new facts or circumstances are adduced for reconsideration of the case:

Provided that in every case in which an appeal is withheld, the appellant shall be informed of the facts and the reasons for it;

Provided also that an appeal is withheld only because of failure to comply with the provisions of the rules may be resubmitted at any time within 30 (thirty) days of the date on which the appellant has been informed of his appeal being withheld, and if resubmitted in a form which complies with these provisions, shall not be withheld.

37. **Powers of Chief Justice:** Nothing in the rules in this Part shall be construed to limit or abridge the power of the Chief Justice to deal with the case of any Member of the Establishment in such manner as may appear to him to be just and reasonable.

#### **PART IV – CONDUCT**

38. **General:** (1) Every Member of the Establishment shall at all times maintain absolute integrity and devotion to duty.

(2) No Member of the Establishment shall act in a manner prejudicial to discipline and good order in the Court.

(3) Every Member of the Establishment shall perform the task assigned to him within the time set for the purpose, ensuring the quality of performance expected of him.

(4) Every Member of the Establishment shall obey implicitly the orders of his superior officer and shall not exhibit any kind of insubordination either alone or in combination with others.

(5) No Member of the Establishment shall willfully or otherwise neglect his duties.

39. **Consumption of intoxicating drinks and drugs:** A Member of the Establishment shall (a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) not be under the influence of any intoxicating drinks or drugs during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

(c) refrain from consuming any intoxicating drink or drug in a public place;

(d) not appear in a public place in a state of intoxication.

Explanation: For the purpose of this Rule 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have access, whether on payment or otherwise.

40. **Absence from duty:** (1) Every Member of the Establishment shall be punctual in attendance and shall not absent himself from duty without permission from the competent authority.

(2) In case of absence due to sudden illness or some other unforeseen circumstances beyond his control, a Member of the Establishment shall give information thereof to the office without delay.

(3) All application for leave for more than 3 (three) days on grounds of ill health shall be supported by a medical certificate from a registered medical practitioner. In appropriate cases, the Registrar General may ask the Member of the Establishment to produce a Medical Certificate from his/her authorized Medical Officer or Civil Surgeon.

(4) All earned leave applications shall, as far as possible, be submitted 10 (ten) days before it is availed.

- 41. Taking part in politics and elections:** (1) No Member of the Establishment shall be a member of or be otherwise associated with any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner any political movement or activity.

(2) No Member of the Establishment shall canvass or otherwise interfere or use his influence in connection with or take part in, an election to any legislature or local body.

Provided that:

A Member of the Establishment shall not be deemed to have contravened the provisions of this rule by reasons only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force, or for the reason he exercised right to vote.

Explanation – The display by a Member of the Establishment on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

- 42. Connection with press or radio:** (1) No Member of the Establishment shall, except with the previous permission of the Registrar General, own wholly or in part, conduct or participate in the editing or managing of any newspaper or other periodical publication.

(2) No Member of the Establishment shall, except with the previous permission of the Registrar General or except in the bonafide discharge of his duties:

(a) publish a book himself or through a publisher, or contribute an article to a book or a compilation of articles; or

(b) participate in a radio broadcast or television or contribute any article or write any letter to a newspaper or periodical either in his own name or anonymously or in the name of any other person:

Provided that no such permission shall be required if such writing, broadcast or such contribution is of a purely literary, artistic, religious, educational or cultural character.

- 43. Evidence before Committees:** (1) No Member of the Establishment shall, except with the previous permission of the Chief Justice, give evidence before any public Committee.

(2) Nothing in this rule shall apply to:

(a) evidence given before a Committee which has power to compel the attendance of witnesses or the production of documents; or

(b) evidence given before an authority holding any judicial or departmental inquiry.

- 44. Unauthorised communication of information:** No Member of the Establishment shall, except in accordance with any general or special order of the Chief Justice or the Registrar General or in the performance in good faith of the duties assigned to him communicate directly or indirectly to any other Member of the Establishment or to a Government servant or to any private person or to the press, any document or information which has come into his possession in the course of his official duties or has been prepared or collected by him in the course of those duties.

Provided, however, that in the case of giving information to the Press, the Registrar General alone, unless the Chief Justice authorised some other Officer, shall meet the representatives of the Press and give information. He shall however, submit for the information of the Chief Justice, the gist of the subjects discussed.

NOTE: (This proviso, however, will not apply to supply of Court judgments to the Press.)

Provided further that nothing in this Rule would bar a person from giving information required to be supplied under the Right to Information Act, 2005.

- 45. Collecting subscription for public causes:** (1) No Member of the Establishment shall without the permission of the Registrar General, circulate amongst other Members of the Establishment or persons connected with the business of the Court appeals for subscriptions for public causes or raise any subscription by exerting his official position or influence.

(2) No Member of the Establishment shall assist any outsider to have access for such purposes in the premises of Court.

- 46. Gifts:** Save as otherwise provided under these Rules, no Member of the Establishment shall, except with the previous permission of the Registrar General, accept from any person directly or indirectly or permit any member of his family to accept any gift, gratuity or reward of more than trifling value:

Provided that gift of a value, reasonable in all circumstances of the case, may be accepted from relations and personal friends or presented to such persons on occasions such as weddings, anniversaries, funerals and religious functions, when the making or receiving of such gifts is in conformity with the prevailing religious or social customs.

- 47. Public Demonstrations in honour of Member of the Establishment:** No Member of the Establishment shall, except with the previous permission of the Registrar General, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour:

Provided that nothing in this Rule shall apply to:

- (i) a farewell entertainment of a substantially private and informal character held in honour of a Member of the Establishment on the occasion of his retirement or transfer; or
- (ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

- 48. Private trade or employment:** No Member of the Establishment shall, except with the previous permission of the Registrar General, engage directly or indirectly, in any trade or business or undertake any other employment:

Provided that a Member of the Establishment may, without such permission, undertake honorary work of a social or charitable nature or occasional work of all literary, artistic, scientific, educational or cultural character, subject to the condition that his official duties do not thereby suffer; but he shall not undertake or shall discontinue such work, if so directed by the Registrar General.

Explanation – Canvassing by a Member of the Establishment in support of the business of insurance agency, commission agency, etc. owned or managed by his/her spouse or any other member of his family shall be deemed to be breach of this Rule.

- 49. Investments, lending and borrowing:** (1) No Member of the Establishment shall speculate in any investment.

Explanation – The habitual purchase or sale of securities of a notoriously fluctuating value shall be deemed to be a speculation in investments within the meaning of this sub-rule.

(2) No Member of the Establishment shall make or permit his spouse to make any investment likely to embarrass or influence him in the discharge of his official duties.

(3) No Member of the Establishment shall engage himself in the business of money lending.

(4) No Member of the Establishment shall, save in the ordinary course of business with a bank or a firm of standing, borrow money from or otherwise place himself under pecuniary obligation to any person with whom he is likely to have official dealings, nor shall he permit any member of his family, except with the previous permission of the Registrar General, to enter into any such transaction.

Provided that, a Member of the Establishment may accept a purely temporary loan of small amount from a personal friend or relative or operate a credit account with a bonafide tradesman.

- 50. Insolvency and habitual indebtedness:** A Member of the Establishment shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Member of the Establishment who becomes the subject of a legal proceeding for insolvency shall forthwith report the full facts thereof to the Registrar General.

- 51. Movable, immovable and valuable property:** – (1) No Member of the Establishment shall, except with the previous knowledge of the authority mentioned in the explanation below, acquire, or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise, either in his own name or in the name of his or her spouse or dependent children.

(2) A Member of the Establishment who enters into any transaction concerning any movable property exceeding 10 (ten) lakh rupees in value, whether by way of purchase, sale or otherwise, shall forthwith report such transaction to the authority specified below.

Explanation – The authority for the purposes of sub-rules (1) and (2) above shall be –

- (i) The Chief Justice in the case of the Registrar General and other Members of the Establishment holding a Class-I post.
- (ii) The Registrar General in the case of all other members of the Establishment.

(3) Every Class-I Member of the Establishment and such other categories of persons employed in the Court as may be specified by the Chief Justice by general or special order shall, on first appointment in the service of the Court and thereafter at intervals of every 12 (twelve) months, submit a return in such form as the Chief Justice may prescribe in this behalf, of all immovable property owned, acquired or inherited by him or held by him in lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

(4) The Chief Justice may, at any time by general or special order require a Member of the Establishment to submit, within a period specified in the order, a full and complete statement of such movable and immovable property, held or acquired by him or by his or her spouse or dependent children as may be specified in the order. Such statement shall, if so required include details of the means by which, or the source from which property was acquired.

- 52. Vindication of acts and character of Members of the Establishment:** (1) No Member of the Establishment shall without the previous permission of the Registrar General, have recourse to any court or to the press for the vindication of his official acts or character, which have been the subject matter of adverse criticism or an attack of defamatory character. In granting permission to the recourse to a court, the Registrar General shall, in each case, decide whether the Court shall bear the cost of the proceedings or whether the servant concerned should institute the proceeding at his own expense, and if so, whether, in the event of a decision in his favour, the Court shall reimburse to the extent of the whole or any part of the costs.

(2) Nothing in this rule shall be deemed to prohibit or otherwise affect the right of the Member of the Establishment from vindicating his private character or any act done by him in his private capacity.

- 53. Canvassing of non-official or other outside influence:** No Member of the Establishment shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service in the Court.

- 54. Relations with advocates:** (1) No Member of the Establishment shall have any business dealings with an advocate, nor shall, save with the express permission of the Registrar General, share his or her residential accommodation with any such advocate.

Explanation: - No permission shall be required to share residence with an advocate who is the spouse of such employee.

(2) The provisions of this Rule shall apply notwithstanding that the Member of the Establishment is related to the advocate concerned, except where the Member of the Establishment and the advocate are spouses of each other.

(3) This Rule does not debar a Member of the Establishment from accepting an invitation from an advocate to a marriage party or to a social gathering.

- 55. Seeking of redress from Court in respect of service matters:** A Member of the Establishment may seek redress from the Registrar General or from the Chief Justice with the permission of the Registrar General in the matter of grievance arising out of his employment or conditions of service.

- 56. Demonstrations and strikes:** No Member of the Establishment shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

Explanation: - 'Strike' means refusal to work or stoppage or slowing down of work by a group of employees acting in combination, and includes:

- (i) mass abstention from work without permission (which is wrongly described as 'mass casual leave');
- (ii) refusal to work overtime where such overtime is necessary in the public interest;
- (iii) resort to practices or conduct which is likely to result in or results in the cessation or substantial retardation of work in the Court. Such practices would include, what are called 'go-slow', 'pen-down', 'stay in', 'token', 'sympathetic' or any other similar strike; absence from work for participation in a Bandh or any similar movements.

NOTE: The list of activities which are covered under the definition of strike as enumerated herein is only illustrative and not exhaustive.

- 57. Joining of association by Member of the Establishment:** No Member of the Establishment shall join or continue to be a member of a service association which has not obtained the recognition of the Chief Justice or recognition in respect of which has been refused by the Chief Justice.

58. **Arrests on a criminal charge:** It shall be the duty of a Member of the Establishment who has been arrested on criminal charge or a proceeding taken against him in connection with his position as a member of the Court or otherwise which is likely to embarrass him in the discharge of his duties or which involves moral turpitude, to intimate the fact of his arrest and the circumstance connected therein, to the Registrar General promptly in writing even though he might have subsequently been released on bail. Failure on the part of the Member of the Establishment concerned to inform will be regarded as suppression of material information and will render him liable to disciplinary action on this ground alone, apart from any action that may be taken against him on the conclusion of the case against him.
59. **Court property:** No Member of the Establishment shall take out any article or property belonging to the Court outside the Court without the express permission of the Registrar General.
60. **Contravention of laws and conviction by a court of law:** Any contravention of any law by a Member of the Establishment which involves moral turpitude, shall be regarded as a serious matter, of which notice shall be taken departmentally.
- Where such contravention is followed by a conviction in a court of law, the Member of the Establishment may be punished departmentally on the basis of that conviction alone without following the procedure laid down for departmental enquiries, unless the appellate court suspends such conviction.
61. **Contravention of the rules:** (1) Any Member of the Establishment contravening the provisions of any of the rules in this Part shall render himself liable to disciplinary action under the rules in Part III of these Rules.
- (2) The Chief Justice shall have the power to take any action against the Registrar General for contravention of the rules in this Part. In relation to matters pertaining to the conduct of the Registrar General, the Chief Justice shall be the competent authority for granting the requisite permission to the Registrar General in respect of anything which is required to be done with the previous permission of superior authority under any of the rules in this Part.

#### **PART V – MISCELLANEOUS**

62. **Residuary Powers:** Nothing in these Rules shall be deemed to affect the power of the Chief Justice to make such orders, from time to time, as he may deem fit, in regard to all matters incidental or ancillary to these Rules not specifically provided for herein or in regard to matters as have not been sufficiently provided for:
- Provided that if any such order relates to salaries, allowances, leave or pension, the same shall be made with the approval of the Governor.
63. **Power to relax:** (1) Where the Chief Justice is of the opinion that the operation of any rule causes undue hardship in a particular case, he may by order, relax any of the provisions of these Rules to such extent and subject to such conditions as he may deem necessary.
- (2) In exceptional cases where the Chief Justice is satisfied that operation of the rules relating to age or regarding requirement of experience causes undue hardship in any particular case or where the Chief Justice is of the opinion that it is necessary or expedient to relax any of the provisions of these Rules with respect to age or experience of any person he may by order dispense with or relax the relevant provision of these Rules to such extent and subject to such conditions as he may consider necessary for dealing with the case in a just and equitable manner, provided that such relaxation shall not be less favourable than the provisions already contained in these Rules.

64. **Interpretation:** All questions relating to the interpretation of these Rules shall be referred to the Chief Justice, whose decision thereon shall be final.
65. **Delegation:** The Chief Justice may delegate to any Judge of the Court or any officer of the Court with any of the powers vested in him under these Rules.
66. **Power to amend:** The Chief Justice may, from time to time, amend by way of addition or variation any provision of these Rules.
67. **Repeal and Savings:** (1) The High Court of Meghalaya (Recruitment and Conditions of Service of Officers and Staff) Rules, 2013 and all orders in relation to matters covered by these Rules and in force immediately before commencement of these Rules are hereby repealed.
- (2) Notwithstanding such repeal, any appointment made or action taken under any of the rules and orders so repealed shall be deemed to have been made or taken under these Rules and are hereby saved.

REGISTRAR GENERAL,  
High Court of Meghalaya,  
Shillong.

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**SCHEDULE – I****Existing posts in the Establishment of the High Court of Meghalaya and Mode of Appointment****CLASS – I**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Sanctioned Posts</b>	<b>Mode of Appointment</b>	<b>Experience, if any, prescribed for the post</b>
1	Registrar General	1	Shall be from the Meghalaya Higher Judicial Service.	Minimum 7 (seven) years service in the Meghalaya Higher Judicial Service.
2	Registrar	3	Shall be from the Meghalaya Higher Judicial Service or by promotion from the post of Joint Registrar.	Minimum 5 (five) years service in the Meghalaya Higher Judicial Service / 7 (seven) years in the feeder cadre, in case of promotion.
3	Joint Registrar	3	Shall be from the Meghalaya Judicial Service or by promotion from the post of Deputy Registrar.	Minimum 5 (five) years service in the Meghalaya Judicial Service / 7 (seven) years in the feeder cadre, in case of promotion.

**CLASS – II**

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
1	Deputy Registrar	3	Shall be from the Meghalaya Judicial Service or by promotion from the post of Assistant Registrar.	Minimum 5 (five) years service in the Meghalaya Judicial Service / 7 (seven) years in the feeder cadre, in case of promotion.
2	Chief Librarian (Ex-Cadre)	*** <sup>1</sup>	By promotion from the cadre of Librarian-cum-Research Officer subject to upgradation of post by State Government.	Minimum 7 (seven) years experience as a Librarian-cum-Research Officer.

**CLASS – II (A)**

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
1	Assistant Registrar	5	By promotion from amongst the Officers belonging to the posts shown in Class II (B) or II (C).	Minimum 7 (seven) years service in the feeder cadre.
2	Chief Translator (Ex-Cadre)	*** <sup>2</sup>	By promotion from the Senior Grade Translators on the basis of Merit-cum-Seniority subject to upgradation of post by State Government.	Minimum 7 (seven) years experience as a Senior Grade Translator.
3	Protocol Officer (Ex-Cadre)	1	By promotion from the Assistant Protocol Officer.	Minimum 7 (seven) years experience as an Assistant Protocol Officer.
4	System Analyst (Ex-Cadre)	1	<u>By Direct Recruitment</u> B.E./B. Tech in Computer Science or Masters Degree in Computer Engineering/ IT/ Computer Applications. On the basis of written tests and personal interview as conducted by the High Court.	-

<sup>1</sup> Upgraded vide LJ (A) 19/2005/220 dated 03.12.2014<sup>2</sup> Upgraded vide LJ (A) 19/2005/220 dated 03.12.2014

**CLASS – II (AA)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Sanctioned Posts</b>	<b>Mode of Appointment</b>	<b>Experience, if any, prescribed for the post</b>
1	Public Relations Officer	1	By deputation or re-employment.	-
2	Security Officer	1	By deputation or re-employment.	-
3	Finance Officer	1	By deputation or re-employment.	-
4	Estate Officer (Ex-Cadre)	1	<u>By Direct Recruitment</u> B.E./B. Tech in Civil Engineering or equivalent.	-

**CLASS – II (B)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Sanctioned Posts</b>	<b>Mode of Appointment</b>	<b>Experience, if any, prescribed for the post</b>
1	Private Secretary (Steno-grapher Grade-I)	09	<p>75% of the posts shall be filled up by direct recruitment.</p> <p>25% of the posts shall be filled up by promotion from amongst serving Stenographer (Grade – II).</p> <p><u>For Direct Recruitment</u></p> <p>Bachelor Degree from a recognized University with diploma in Stenography in English with minimum speed of 120 wpm in shorthand and typing speed of 50 wpm in computer.</p> <p>On the basis of written / typing tests and personal interview as conducted by the High Court.</p>	Minimum 5 (five) years experience as a Stenographer (Grade – II) in case of promotion.
2	Senior Grade Translators (Ex-Cadre)	*** <sup>3</sup>	By promotion from Junior Grade Translator(s) on the basis of Merit-cum-Seniority.	Minimum 5 (five) years experience as a Junior Grade Translator(s).

<sup>3</sup> Upgraded vide LJ (A) 19/2005/220 dated 03.12.2014

**CLASS – II (C)**

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
1	Superintendent	2	<p>By promotion on the recommendation of a Committee nominated by the Appointing Authority adjudging suitability of the candidates on the basis of Merit-cum-Seniority from amongst Court Masters/ equivalent OR Senior Administrative Assistants/ equivalent who have secured 40% marks in the qualifying test in the following subjects:</p> <p>(a) Meghalaya FR &amp; SR Rules, 1984;</p> <p>(b) High Court of Meghalaya Officers and Staff (Conditions of Service) Rules;</p> <p>(c) Leave, Pension etc. as applicable to State Government employees; and</p> <p>(d) Any other topics.</p>	Minimum 5 (five) years service as Court Masters/ equivalent posts(s) OR minimum 7 (seven) years service as Senior Administrative Assistants or equivalent posts(s).
2	Stamp Reporter	1	<p>By promotion on the recommendation of a Committee nominated by the Appointing Authority adjudging suitability of the candidates on the basis of Merit-cum-Seniority from amongst Court Masters/ equivalent who have secured 40% of marks in the qualifying test in the following subjects:</p> <p>(a) Rules of High Court of Meghalaya, 2013;</p> <p>(b) Limitation Act;</p> <p>(c) Stamp Act and Registration Act (Meghalaya Amendment); and</p> <p>(d) Any other topics.</p>	Minimum 5 (five) years service in the feeder cadre.
3	Court Officer	3	<p><u>By Direct Recruitment</u></p> <p>A candidate must possess a degree in Law from a recognized University.</p>	-

**CLASS – II (CC)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Sanctioned Posts</b>	<b>Mode of Appointment</b>	<b>Experience, if any, prescribed for the post</b>
1	Assistant Protocol Officer	1	<u>By Direct Recruitment</u> Graduate with proficiency in communicating in English and Hindi.	-
2	System Officer (Ex-Cadre)	1	<u>By Direct Recruitment</u> B.E/B. Tech in Computer Science/ BCA or Masters Degree in Computer Engineering/ IT/ Computer Applications. On the basis of written tests and personal interview, as conducted by the High Court, as specified in <b>Appendix-A</b> of these Rules.	-
3	Librarian-cum- Research Officer (Ex-Cadre)	1	By promotion from Assistant Librarian.	Minimum 5 (five) years experience as an Assistant Librarian.

**CLASS – II (CCC)**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Sanctioned Posts</b>	<b>Mode of Appointment</b>	<b>Experience, if any, prescribed for the post</b>
1	Officer on Special Duty	1	By re-employment.	-

**CLASS – II (D)**

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
1	Court Master	5	By promotion from Senior Administrative Assistants/ persons in the equivalent post(s) on the basis of Merit-cum-Seniority.	Minimum 5 (five) years experience from the feeder cadre.

**CLASS – III (NON-GAZETTED)**

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
1	Assistant Librarian (Ex-Cadre)	2	By promotion from Library Assistants on the basis of Merit-cum-Seniority.	Minimum 5 (five) years experience as Library Assistants.
2	Junior Grade Translator (Ex-Cadre)	1	<u>By Direct Recruitment</u> Graduate with English/Hindi/ Khasi/Garo (as the case may be) as one of the languages at the degree level with Diploma/Certificate course in translation work from Hindi/ Khasi/Garo (as the case may be) to English and vice versa from University/Institute recognized by the Government.  On the basis of written tests and personal interview, as conducted by the High Court, as specified in <b>Appendix-B</b> of these Rules.	-
3	Accountant-cum-Cashier	1	By nomination from amongst the Senior Administrative Assistants/ persons in the equivalent post(s) on the basis of Merit-cum-Seniority.	Minimum 5 (five) years experience from the feeder cadre.
4	Library Assistant	2	<u>By Direct Recruitment</u> Bachelor Degree or Diploma in Library Science from a recognized University and Proficiency in the use of computer.  On the basis of written tests and personal interview as conducted by the High Court.	-

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
5	Senior Administrative Assistant	9	By promotion from Junior Administrative Assistants on the basis of Merit-cum-Seniority.	Minimum 5 (five) years experience as Junior Administrative Assistants.
6	Stenographer (Grade-II)	2	<u>By Direct Recruitment</u> Bachelor Degree from a recognized University with diploma in Stenography in English with minimum speed of 100 wpm in shorthand and typing speed of 40 wpm in computer. On the basis of written/ typing tests and personal interview as conducted by the High Court.	-
7	Junior Administrative Assistant	18	<u>By Direct Recruitment</u> 70% of the posts shall be filled up by direct recruitment. Bachelor Degree from a recognized University with Computer Knowledge. On the basis of written tests and personal interview, as conducted by the High Court, as specified in <b>Appendix-C</b> of these Rules. <u>By Promotion</u> 30% of the total vacancies shall be made by promotion on the recommendation of a Committee nominated by the Appointing Authority adjudging suitability of the candidates on the basis of Merit-cum-Seniority from amongst Graduate Typists and Computer Operators who have secured 50% of marks in the qualifying test in the following subjects: (i) General English; (ii) General Knowledge; (iii) Elementary Arithmetic; and (iv) Basic Computer fundamentals and concepts.	Minimum 5 (five) years experience from the feeder cadre in case of promotion.

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
8	Computer Operator	3	<p><u>By Direct Recruitment</u> 70% of the posts shall be filled up by direct recruitment. Bachelor Degree from a recognized University with Diploma/Certificate in Computers. On the basis of written tests and personal interview, as conducted by the High Court, as specified in <b>Appendix-D</b> of these Rules.</p> <p><u>By Promotion</u> 30% of the total vacancies shall be made by promotion on the recommendation of a Committee nominated by the Appointing Authority adjudging suitability of the candidates on the criteria of Merit-cum-Seniority from amongst Grade-IV employees who have secured 40% of marks in the qualifying test in the following subjects: (i) General English; (ii) General Knowledge; (iii) Elementary Arithmetic; and (iv) Basic Computer fundamentals and concepts.</p>	Minimum 5 (five) years experience from the feeder cadre.
9	Typist	3	<p><u>By Direct Recruitment</u> 70% of the posts shall be filled up by direct recruitment. Bachelor Degree from a recognized University with Diploma/Certificate in Typing. On the basis of written tests and personal interview as conducted by the High Court.</p> <p><u>By Promotion</u> 30% of the total vacancies shall be filled up by promoting Graduate Grade-IV employees on the basis of marks secured in the qualifying test, which shall be determined by a Committee nominated by the Appointing Authority.</p>	Minimum 5 (five) years experience from the feeder cadre.

**CLASS – IV**

<b>Sl. No.</b>	<b>Name of Post</b>	<b>No. of Sanctioned Posts</b>	<b>Mode of Appointment</b>	<b>Experience, if any, prescribed for the post</b>
1	Record Arranger	2	By promotion from eligible Grade IV employees on the basis of Merit-cum- Seniority	Minimum 5 (five) years experience from the feeder cadre.
2	Electrician	2	<u>By Direct Recruitment</u> HSSLC with ITI or equivalent trade certificate of electrician.	-
3	Driver	12	<u>By Direct Recruitment</u> HSSLC passed from a recognized Board.	Minimum 5 (five) years experience.
4	Duftry	1	By promotion from eligible Grade IV employees on the basis of Merit-cum- Seniority.	Minimum 5 (five) years experience from the feeder cadre.
5	Jamadar	6	By promotion from eligible Grade IV employees on the basis of Merit – cum Seniority. <u>By Direct Recruitment</u> HSSLC passed from a recognized Board.	Minimum 5 (five) years experience from the feeder cadre in case of promotion.
6	Attender	35	By promotion from eligible contingent staff on the basis of Merit-cum-Seniority <u>By Direct Recruitment</u> HSSLC passed from a recognized Board.	Minimum 5 (five) years experience from the feeder cadre in case of promotion.
7	Cook	6	By Direct Recruitment or by nomination <u>For Direct Recruitment</u> HSSLC passed from a recognized Board with Diploma in cooking.	-
8	Chowkidar	5	By Direct Recruitment or by nomination <u>For Direct Recruitment</u> HSSLC passed from a recognized Board.	-
9	Mali	6	By Direct Recruitment or by nomination <u>For Direct Recruitment</u> HSSLC passed from a recognized Board with knowledge of gardening work.	-

Sl. No.	Name of Post	No. of Sanctioned Posts	Mode of Appointment	Experience, if any, prescribed for the post
10	Sweeper	5	By Direct Recruitment or by nomination  <u>For Direct Recruitment</u> HSSLC passed from a recognized Board.	-
11	Contingent/ Contractual Staff	10	By Direct Recruitment or by nomination.  <u>For Direct Recruitment</u> HSSLC passed from a recognized Board.	-
12	Binder (Fixed Pay)	1	<u>By Direct Recruitment</u> HSSLC passed from a recognized Board.	-

**APPENDIX - A****SYLLABUS DETAILS FOR THE POST OF SYSTEMS OFFICER****Data Structure:**

Notion of abstract data types, stack, Queue, List, Set, String, Tree, Binary search tree, Heap, Graph.

**Programming Methodology:**

C-Programming, Program control (iteration, recursion, Functions), Scope, Binding, Parameter passing, Elementary concepts of Object oriented, Functional and Logic Programming.

**Algorithms for problem solving:**

Tree and graph traversals, Connected components, Spanning trees, Shortest paths; Hashing, Sorting, Searching; Design techniques (Greedy, Dynamic Programming, Divide-and-conquer).

IMP: Analysis, design and algorithm

**CONCEPT:**

Concept of algorithm, component of algorithms, numerical algorithms, review of searching algorithm, review of sorting algorithm, recursion v/s iteration, introduction to graph theory, matrix representation, trees, divide & conquer: binary search, max – min search & merge sort, integer multiplication, cassette filling, knapsack problem, job scheduling, backtracking, branch & bound, shortest path, minimal spanning trees, technique for graphs.

**Compiler Design:**

Lexical analysis, Parsing, Syntax directed translation, Runtime environment, Code generation, Linking (static and dynamic).

**Operating Systems:**

Classical concepts (concurrency, synchronization, deadlock), Processes, threads and Inter-process communication, CPU scheduling, Memory management, File systems, I/O systems, Protection and security.

**Databases:**

Database management system concepts, database system concept and architecture, Entity relationship and enhanced e-r relational data model and relational algebra, relational database design, query language-sql, normalization.

IMP: Relational model (ER-model, relational algebra, tuple calculus), Database design (integrity constraints normal forms), Query languages (SQL), File structures (sequential files, indexing, B+ trees), Transactions and concurrency control.

**Computer Networks:**

ISO/OSI stack, sliding window protocol, LAN Technologies (Ethernet, Token ring), T C P/U D P, IP, Basic concepts of switches, gateways, and routers.

IMP: Network Types and topologies: Network types, ethernet, Intranet and extranet, star ring and bus topology, SUBNET, network hardware, N.I.C., hubs, routers, switches.

Network APPLICATION: telnet, smtp, pop3, ftp, ping, network services: DNS, WINS.

**Computer Hardware:****Digital Logic:**

Logic functions, Minimization, Design and synthesis of Combinational and Sequential circuits; Number representation and Computer Arithmetic (fixed and floating point).

**Computer Organization:**

Machine instructions and addressing MODES, ALU and Data-PATH, hardwired and micro-programmed CONTROL, Memory interface, I/O interface (Interrupt and DMA mode), Serial communication interface, Instruction pipelining, Cache, main and secondary storage.

**APPENDIX - B****SYLLABUS DETAILS FOR THE POST OF HINDI TRANSLATOR**

- A. Translation of passage from English to Hindi (25 marks)
- B. Translation of passage from Hindi to English (25 marks)
- C. Précis writing in Hindi (25 marks)
- D. Interview (25 marks)

The Written Examination would be of 75 (seventy five) marks descriptive paper. The qualifying marks for the Written Examination is 40 (forty) marks.

**APPENDIX - C****SYLLABUS DETAILS FOR THE POST OF JUNIOR ADMINISTRATIVE ASSISTANT****General Knowledge and Current affairs (35 marks)****General English (35 marks)**

Spotting the error in a sentence, Synonyms, Antonyms, sentence improvement, Idioms and Phrases, one word substitution, letter writing.

**Computer Knowledge (15 marks)**

What is a computer, Input devices, output devices, storage device, memory, RAM, ROM, Hardware, Software, Microsoft Office (Word, Excel, Power Point), Operating Systems, basics of Operating Systems, Generations of Operating systems, Types of Operating Systems.

**Elementary mathematics (15 marks)**

Arithmetic reasoning, algebra.

**APPENDIX - D****SYLLABUS DETAILS FOR THE POST OF COMPUTER OPERATOR****Computer Knowledge (60 marks)**

What is a computer, generations of computer, Types of Computers, Input devices, output devices, storage device, memory, RAM, ROM, Hardware, Software, Microsoft Office (Word, Excel, Power Point), computer networking, types of networks, network topologies, Routers, Gateways, Modem, Repeater, Bridges, Hubs, Switches, network protocols, Operating Systems, basics of Operating Systems, Generations of Operating systems, Types of Operating Systems, hardware and software troubleshooting, hardware and software maintenance, basic Internet Terminology, Internet Concepts, WWW(World Wide Web), Web Browsers, search Engines, HTTP, URLs, Web server, emails.

**General English (20 marks)**

Spotting the error in a sentence, Synonyms, Antonyms, sentence improvement, Idioms and Phrases, one word substitution.

**Elementary mathematics (20 marks)**

Arithmetic reasoning, algebra, sets.